

**From:** [Walker, Dana](#)  
**To:** [Ashby, Bryan A. \(DNREC\)](#)  
**Cc:** [Roushey, Jennifer S. \(DNREC\)](#); [Davis, Glenn F. \(DNREC\)](#); [Trulear, Brian](#); [McGuigan, David](#); [Gable, Kelly](#)  
**Subject:** RE: Memo and MOA with Harim Foods - Attorney-Client Privileged  
**Date:** Wednesday, September 24, 2014 2:44:25 PM

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Hi Bryan,

Thank you for forwarding the draft MOA between Pinnacle, Allen Harim, and DNREC regarding the transfer of responsibility for the Pinnacle NPDES permit. From EPA's perspective, we expect that no operational change will occur at this site and we believe that Pinnacle will maintain legal liability for the terms of the permit conditions and requirements until such time as the permit has been officially reissued to Allen Harim as the permittee. Any operational change for this facility proposed by Allen Harim, must be fully evaluated during the permit renewal process before such changes can be permitted.

Thank you,

Dana

Dana Walker

NPDES Permits Branch (3WP41)

Water Protection Division

US EPA Region 3

1650 Arch Street

Philadelphia, PA 19103-2029

Phone: 215.814.2928

Email: [walker.dana@epa.gov](mailto:walker.dana@epa.gov)

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**From:** Ashby, Bryan A. (DNREC) [<mailto:Bryan.Ashby@state.de.us>]

**Sent:** Monday, September 08, 2014 8:21 AM

**To:** Trulear, Brian; Walker, Dana

**Cc:** Roushey, Jennifer S. (DNREC); Davis, Glenn F. (DNREC)

**Subject:** FW: Memo and MOA with Harim Foods - Attorney-Client Privileged

Brian and Dana,

Attached is a pending agreement between Pinnacle, Allen and DNREC for the transfer of responsibility for the Pinnacle permit. It follows the same template as the Fisker permit responsibility transfer to WX.

The responsibility for permit implementation, and not the permit itself is being transferred. Then Allen Harim is required to submit a new application. From which we will issue them a renewed permit. We would like to sign this agreement as soon as possible, and no later than Sept 15<sup>th</sup>. If you have any question or concerns please let me know.

Bryan A. Ashby

Program Manager

DNREC – Surface Water Discharges Section

89 Kings Highway

Dover, DE 19901

[Bryan.Ashby@state.de.us](mailto:Bryan.Ashby@state.de.us)

Phone: 302-739-9946

Fax: 302-739-8369

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**From:** Bothell, Jennifer M. (DNREC)

**Sent:** Wednesday, September 03, 2014 2:31 PM

**To:** Durstein III, Ralph (DOJ); Crofts, Marjorie A. (DNREC); Holmes, Virgil (DNREC)

**Cc:** Small, David (DNREC); Bower, Stephanie (DNREC); Ashby, Bryan A. (DNREC); Ratsep, Timothy T. (DNREC)

**Subject:** Memo and MOA with Harim Foods - Attorney-Client Privileged

Good afternoon all – Please find attached an MOA regarding the transfer of NPDES permits from Pinnacle to Allen Harim that Mike Parkowski dropped off for signature by the Secretary. Bob Z has asked that I circulate it for your review/comment prior to sending in to the Secretary for review/approval/signature. In the (also attached) cover letter, Mr. Parkowski also references the Brownfields Development Agreement and assumption of responsibilities under the COCR issued for the site as of 9/15/14.

Mr. Parkowski has asked for a signature prior to Sept. 15<sup>th</sup> because of the pending settlement on the property. As such, please review and bring any comments/questions with you to the DOJ/DNREC Legal Status meeting that will be held on Monday, Sept. 8<sup>th</sup> at 1:30 p.m.

Thank you! Jenny.